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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

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FILE: B-206321

DATE: March 1, 1982

MATTER OF: Minority Enterprises

DIGEST:

Protest against alleged improprieties in an IFB which were apparent on receipt of the solicitation must be filed before bid opening.

Minority Enterprises protests certain matters in an invitation for bids issued by the Navy for the disposal of toxic and hazardous waste. The firm complains about the solicitation's requirement for payment and performance bonds, the small business size standard stated in the invitation, and other allegedly deficient specifications.

We dismiss the protest because it was filed after bid opening.

Our Bid Protest Procedures require that an allegation of improprieties in an invitation which are apparent from the solicitation as issued be filed before bid opening. 4 C.F.R. § 21.2(b)(2) (1981). The reason is to ensure that the allegation is considered while corrective action, if indicated, is most practicable and thus least burdensome on the conduct of the procurement. Bird-Johnson Company--Request for Reconsideration, B-199445.3, October 14, 1980, 80-2 CPD 275.

All of the alleged improprieties protested by Minority Enterprises were apparent on the firm's receipt of the solicitation. The Navy informally advises that bid opening was January 18, 1982. Since the protest was filed after that date, it is untimely and will not be considered.

The protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel